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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,701	06/24/2005	Frank Cornelis Penning	NL 021402	2409

24737 7590 12/27/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2116

MAIL DATE	DELIVERY MODE
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12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,701

Applicant(s)

PENNING ET AL.

Examiner

Abdelmoniem Elamin

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 and 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-15, 18-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al, US. Pat. No. 6,215,609.

3. Claims 20, 24, Yamashita teaches a portable device [*see abstract, Fig. 1*] comprising:

a data interface for transmitting and receiving data [*see element 11 of Fig. 1*];

a battery unit for providing power to the portable device in a first power supply mode [*col. 6, line 44*];

a power interface for connecting to an external power supply unit for providing the power in a second power supply mode [*commercial power supply, see for example step S2 of Fig. 7*];

a power switch configured to switch between the battery unit and the external power supply unit [*inherent, since the system determines whether power is supplied by a battery or a commercial power supply, see step 2 of Fig. 7*];

an optical recording apparatus having a drive data interface, a drive power interface and a drive mode interface, wherein the drive data interface is configured for data access to and from an optical record carrier of the optical recording apparatus, the drive power interface is

configured for receiving power from the power switch, and the drive mode interface is configured for receiving a mode signal [*element 2 of Fig. 1 and related disclosure*]; and

a mode switch configured to detect a voltage level of the power supplied to the drive power interface through the power switch and to provide the mode signal to the drive mode interface for switching the optical recording apparatus into a first accessing mode having a lower data rate than a second accessing mode when the voltage level at the drive power interface falls below a predetermined value [*mechanical switch, see steps S7-S9 of Fig. 7*];

wherein the mode switch is external to the optical recording apparatus [*mechanical switch, see step S9 of Fig. 7*].

4. Claims 13-15, Yamashita teaches the optical recording apparatus is attached to the portable device, the optical recording apparatus receiving a signal from the portable device, the signal including an identifier indicating whether the first power supply mode or the second power supply mode is available [*see the steps of Fig. 7*].

5. Claims 18-19, Yamashita teaches the mode switch is switched by an application running on the optical recording apparatus [*col. 6, lines 57-60*].

6. Claims 21, 25, Yamashita teaches the first accessing mode is entered independent of a source of the power [*see the steps of Fig. 7*].

7. Claims 22-26, Yamashita teaches the first accessing mode is entered when the power is supplied by the battery unit, and the second accessing mode is entered when the power is supplied by the external power supply unit [*see the steps of Fig. 7*].

8. Claims 23, 27, Yamashita the mode switch is configured to switch modes in response to a user command [*col. 6, lines 57-60*].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11-12, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al, US. Pat. No. 6,215,609.

11. Claims 11, 28, Yamashita fails to teach said portable device is a mobile phone, ...

However, Examiner asserts that optical mobile phones are well known in the art. These types of limitations are considered field of use, and are not patentably distinct.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to use the system of Yamashita in a mobile phone, because it reduces power consumption [*see Yamashita, col. 2, lines 34+*].

12. Claims 12, 29, Yamashita fails to teach said optical recording apparatus is a small form factor optical drive.

Official Notice is taken that both the concept and the advantages of small form factor optical drives are old and well known in the art.

Conclusion

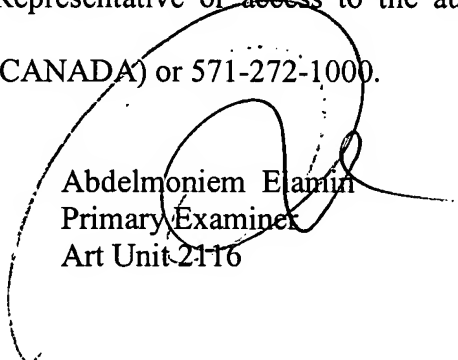
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelmoniem Elamin whose telephone number is 571-2727-3674. The examiner can normally be reached on MON - THUR 10:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Prveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Abdelmoniem Elamin
Primary Examiner
Art Unit 2116

December 26, 2007
13.